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THEORY OF AMERICAN GOVERNMENT.

THE village nestling at the foot of the hill, where I am now writing, contains a thousand inhabitants, and is the central neighborhood of a township of twenty-five hundred. The township, or town, as it is called, lies among the hills of Western Massachusetts, a thousand feet above the sea. It is six miles long and three broad, and is occupied chiefly for agriculture, there being only five or six small factories where cloth, paper and machinery are made. The total value of property, real and personal, placed upon the tax rolls is \$2,670,000, rated at about sixty per cent. of its real value, which, therefore, must be near four and a half millions. The taxes for roads, bridges, schools and every other town, county and State expense, amount to a little less than one per cent. upon this assessed valuation. Thirty-nine persons only, including two sent to the State Insane Asylum, receive aid as paupers, twenty-nine of them but a partial support. The number of dwellings is 478, and of families about 500. So that nearly every family lives by itself, usually in a dwelling of its own, that is, a house with a garden, all owned by the head of the household. There is a public library of 6,000 volumes, where any resident may read as much as pleases him, and from which any tax-payer may, without charge, take books for reading at home. The number of volumes taken and retaken from the library during the year is 8,000, and not one has been lost in ten years.

There is a town-hall for town meetings; there are five school houses, one of them sheltering under the same roof a primary, intermediate and high school, and there are five churches of different denominations, two Congregational, one Episcopal, one Methodist and one Roman Catholic. The schools are free to all and books are provided for the scholars. A wooded hill is dedicated to the public, as a pleasure ground for all, rich and poor, young and old. The little community for its internal affairs is

governed by the town-meeting, where every adult male who pays a tax, however small, has a voice ; that is to say, the town meeting is the legislative assembly of the town ; it is convened twice a year, and as much oftener as there may be occasion, and disposes of town affairs. The chief executive officers are three selectmen. There are but three federal officials in the town, and they are post-masters ; the only state officials are six justices, three notaries public and a deputy sheriff. The town is one of thirty-two towns in the county, which has a population of 74,000, and is itself a corporation, with corporate officers, for the management of its corporate affairs, though there is never a meeting of the citizens of the county. The county is one of fourteen counties in the state, which has 2,000,000 of inhabitants and a government of its own, and the state is one of the United States which have a population of 60,000,000 and a common government of all.

The functions of these different governments are set forth in written constitutions and statutes. The township is invested with power : To grant such sums as are judged necessary for the support of public schools, for the relief and employment of the poor, the making and repairing of highways and townways, the writing and publishing of town histories, for burial grounds, for the destruction of noxious animals, for necessary aid to disabled soldiers and sailors and their families and the families of the slain, for monuments to those who died in the service, for conveying pupils to and from the public schools, for procuring the arrest of criminals, for maintaining a free public library and reading-room, and for all other necessary charges arising in the town. The disbursement of these various sums of money and the superintendence of the business for which they are granted are functions of the town.

The cities are clothed with larger powers of municipal government. The government of the county is vested in county commissioners, whose powers are declared to be : To provide for erecting and repairing court-houses, jails, and other necessary public buildings, for the use of their counties ; to represent their county, and have the care of its property and the management of its business and concerns in all cases not otherwise specially provided for.

The state having been originally sovereign and as such joining the confederation, retains all the powers of sovereignty not conceded by its own people to the common government of all

the states, as expressed in the Constitution of the Union. The State Government is divided into three departments—legislative, executive, and judicial. The first is vested in two houses, Senate and Representatives; the second in a Governor, all being chosen annually, the members of the Legislature by districts, and the Governor by the whole people. The powers conceded to the United States are thus described in the Federal Constitution, a description which I give in the very words of the instrument, because they have been so often misunderstood and so often misrepresented.

“ To lay and collect taxes, duties, imposts, and excises, to pay the debt and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several States and with the Indian tribes; to establish an uniform rule of naturalization and uniform laws on the subject of bankruptcy throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post-offices and post-roads; to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”

The powers of this federal government are divided between three departments, legislative, executive and judicial; the legislative consisting of the two houses of Congress, the executive of the President, and the judicial of the Supreme and inferior courts.

It would lead me too far from my present purpose to discuss more particularly the boundary between the national and the state governments. That is a subject so vast in its reach and so momentous in its results, that it needs a treatise by itself. My aim now is to point out, if I can, the theory on which all American government, state and national, rests, without dwelling upon the partition of sovereignty between the or parts upon the ramifications of local rule, all which like the trunk, branches and leaves of a tree, make up the great figure, as it stands and sways to and fro in calm and storm, sunshine and shadow. For the present it is enough to say, that the general idea of the state and federal governments and of the relations between them is, that the latter has charge of the relations of each state with the others and of all with foreign nations, the former has charge of the relations between its own citizens.

This is a bird's-eye view of the little community which I began by describing, and of all the communities of which in successive gradations it forms a part. Judged by its results, displayed on so small a theatre, I should say, that the political system of this little community is, with one exception, not necessary now to be discussed, as nearly perfect as it can be made. Every human being has shelter, clothing, food, and instruction; all adult males have a voice in the management of what is common to all the people, and for the larger concerns which they have in common with the county, state or nation, they have their representatives in every deliberative assembly.

How did all this come about? It came naturally. It was not imposed by violence, it was not effected by fraud. We know every degree of the process. Self-government is as natural in the new world as is chieftainship in the old. We know every step in our own history. We know who first and who afterwards came hither, when they came and whence they came and what they did when here.

The settlements which most of all laid the foundations of American government were made in New England.

The first of these settlements occurred at Plymouth and the second in Massachusetts Bay. The Plymouth settlers coming without royal patent or other authority than their own high resolve, when they were about to land, entered into a solemn compact with one another, by which in the presence of God they combined themselves together into a civil body politic, by virtue of

which they were to enact such just and equal laws from time to time as should be thought most convenient for the general good of the colony.

In making this compact each man acted for himself alone and as the equal of every other man. Equality of rights, absolute equality, was thus the first principle upon which the new government rested. As other settlements were made in the Plymouth Colony, each followed the example of the parent one, and when a conference of the different settlements became necessary delegates were sent chosen by the body of each community of settlers. The colony of Massachusetts Bay was formed under an English charter, but this charter intrusted the government of the colony to the freemen of the company without distinction. Thus it was that equality became the corner stone in the foundation of New England freedom.

It were needless to trace the progress of this principle in the different colonies. In some of them there were exceptions, but the exceptions proved the rule. In taking for an example a township in Massachusetts, it must not be understood that the same system of local government existed in all the colonies. In its most perfect form it was found only in New England. But in all the colonies there was some form of local government, sometimes in parishes or other small divisions. The general features were the same. When, therefore, the united colonies put forth the Great Declaration which proclaimed their independence of the British crown and gave the reasons for it, they put the equality of mankind at the head and front of their argument. "We hold," they said, "these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

This word "equal" is the pivot upon which the argument turns; the words "life, liberty and the pursuit of happiness" follow from it; they are amplifications of the same general idea. For if two are equal in rights, neither can justly interfere with the other by taking away his life or restraining him of his liberty, or obstructing his pursuit of happiness, so long as such pursuit does not interfere with the equal rights of another.

This great declaration has been accepted from that time to this as a just explanation of the theory of American government. More famous and far-reaching than Magna Charta, for while the work at Runnymede concerned only the people of England, the work in the Pennsylvania hall concerned all mankind, the declaration was welcomed with rejoicing as the signal of deliverance from the despotisms of ages. It has gone the circuit of the world, outlived dynasties and revolutions, and is as full of life to-day as it was in the dark days of 1776.

But why this recital? Is it not commonplace? Have we not heard it all before? Yes, indeed, it has been heard a thousand times, repeated in school books, declaimed by school boys, read out by Fourth of July orators from platforms innumerable. But has it been believed? Has it been accepted in its full significance? Commonplace it may be to scholars and thinkers; but to many a declaimer, aye, to many a legislator, it must sound as new and strange doctrine.

Let us, however, not make the mistake of confounding cause with concomitant, the reason of government with the conditions on which it should be founded. Equality is not an end but a means. If each person stood isolated, though he were the equal of every other person he would be useless and miserable. Equality of itself will not insure happiness. That is obtained by pursuit. Is it not the province of government to promise happiness to any one. That he must pursue for himself. His right to the pursuit is defended by government. The great men who formulated and proclaimed the Declaration of Independence knew very well on what foundation a state should be built, for they were themselves representatives of political societies long established, which had administered justice, mustered troops and engaged in many public enterprises. They knew as well as we know, out of what instincts and for what ends governments had been maintained in the colonies for nearly two hundred years. When, therefore, they spoke of equality they spoke of it, not as an end, but a means; not as the reason for having a government, but as the only just condition on which it was to be had and enjoyed. They meant that governments were instituted for the protection of life, liberty and the pursuit of happiness, and that preliminary to all was the great primal truth, that these several functions were to be exercised with equal reference to all the inhabitants of the state. The

theory is set forth in their own words, not in some of them only, but in all. Knowing the rights to be secured, we know that the means to secure them are : just and equal laws, the administration of justice, the public defense, the education of children, the construction of public works necessary for the common service, and the care of those feeble members of the state who are unable to take care of themselves. If there be any means of securing men's rights, other than these, I know not what they are. There is no occasion to revise the formula of the fathers. It is as true now as it was when it was first proclaimed. That generation has passed away, other generations have appeared and departed; old dynasties have been overthrown and new ones established, peoples have been divided and reunited, but the same truths remain; events do not alter them, time does not make them dim; they shine like the stars of the firmament, unchanged and unchangeable. Here is the American political creed. The rights for which government is instituted are set forth; the condition of ample enjoyment is given and the means are shown. Let us consider these means a little more closely to see how they may be best enjoyed, by adhering to the condition of equal rights for all.

Nobody here doubts the wisdom of just and equal laws. When it is said that laws are to be enacted for the common good, it is not meant that there is a common store of good, distinct from the separate share of each individual. If a measure were certain to make half the individual members of the state five times richer than they are and the other half poorer by one-fifth of their substance, the sum total would be nearly six-fold what it now is, but the measure after all would be robbery of half the people to enrich the other half.

So, too, of laws for the public defense; they may be perverted into instruments of injustice. A navy yard, for example, placed not where ships can be best built and easiest sent to sea, but where jobbers want contracts and politicians want votes, would be a yard with a double aspect, one for defense and the other for plunder.

When we find ourselves perplexed by contradictory theories or measures, it is useful to go back to first principles. The proper place of charity in the functions of government is a subject for careful discrimination. The end of government is not the development of man's social nature, but the maintenance of his rights,

the rights which God and nature gave him. His social nature develops itself, or is best developed by the affections and those ties which bind every man and woman born into the world. Government is a political machine, not a charitable institution. Association in political society is a different thing from association for companionship. The companionship of man and wife, for example, is an ordinance of nature, because each is imperfect without the other. This leads, of necessity, to the association of parent and child, and the multifold relations of kinship. These relations, however, weaken as they widen, and become commingled with like relations crossing in different directions. A father of a family sees his children and his grandchildren clustering around him, but they entwine themselves also with the descendants of other parents and grandparents, and the identity of blood is lost in two or three generations.

So the relations which arise from affinity or consanguinity may be left out of view, when considering relations that are political. Every man feels the necessity of some association for the better development of his own individuality. He needs the aid of his neighbor for defense against evil-disposed persons, hence a union for common defense ; he needs a road from his dwelling to one at a distance, and hence agrees with his neighbor that they should build one together ; he must cross a river, and being unable alone to build a bridge he unites with another to build it ; and so in other enterprises for the benefit of many, which the many must undertake in common. The aim, however, of all these common undertakings is the same, the benefit of the individuals who join them. The danger of these public works is favoritism to the few at the expense of the many.

The tendency to govern too much has in most governments no counteracting force to set against it, and only when those who govern and those who are governed are identical can the tendency to govern overmuch be overcome. In an unlimited monarchy the counteracting force is fear, the fear of encountering resistance. The autocrat has only to wish and to gratify his wishes, except that nature sets bounds to his desires on one side, and fear of going too far interposes on the other. In a limited monarchy, the number of those who govern is multiplied, and as they are also among the governed, they restrain themselves to the extent of protecting their own interests. Thus it has happened in

countries where the power is in the hands of the landlords, that the laws favor the landed interests. When, however, all have a hand in making the laws, they will be made for all, unless the general movement is obstructed or deflected by interested combinations.

Experience shows us that there is an ever-pressing tendency of majorities to exert their power, and thence arises the necessity of an ever vigilant watchfulness to restrain them. Two maxims are often heard in arguments about governments: one, "that which is best administered is best," the other "the best government is that which governs least." Both contain some wisdom, but neither is altogether true. A bad government may be faithfully administered, and yet, from defects in its constitution, it may work a great deal of harm; it may attempt to do too much; it may be obliged to do more than ought to be done by any government. For example, it was for a long time, and may be still, the system of France that a mill cannot be run without a license from the central government. In the administration of this government the license may be prudently and justly dispensed, but the rule that requires a license at all is a bad one. So with regard to the other maxim, a government may do too little; it may neglect to make adequate provision for the dispensation of justice or for the national defense. It is true, nevertheless, that a just application of our political creed would exclude very much of our legislation. The true end of government is to secure men's rights, not their fortunes or their pleasures.

The justification for any public enterprise is to be found in its tendency to secure some of the rights for which government is instituted. Every one of the eighteen clauses in which the powers granted to the Federal Government are expressed rests for its justification upon the principle I have stated. And though there be this difference between the Federal and the State constitutions, that while the former enumerates the powers granted the latter enumerates the powers withheld, there is implied in every State constitution a limitation of State power to the protection of the rights of the people. I do not say that an act of a State legislature not prohibited by the Federal or the State constitution, might be declared by the courts to be invalid. The powers of the State judiciary may in this respect be limited to declaring the inconsistency between two expressed laws and upholding the

greater as against the less. But I none the less affirm, that an act of a state legislature, which goes beyond the protection of the rights of the citizens and the sanction of those public enterprises which, being beyond the power of the individual, are really connected with his protection, passes the just limits of government as measured either by the lessons of reason or the precepts of the fathers.

There are two theories of government, the liberal and the meddlesome. Their limits are easily marked, if we follow the principle we have been considering. My life, my liberty, my pursuit of my own happiness are my inalienable rights. So are those of every other person. That all these may be enjoyed together, in harmony, is the aim of civil society. But in so much as there are many works which would promote individual happiness, to which, however, the abilities of one alone are unequal, many individuals unite in an enterprise for their common benefit. A road, as I have said, is one instance. Savages have no roads or next to none. One finds his way in the wilderness, over plains and hills, and another seeing the traces of his footsteps follows, and a path or trail is made through the forests or over the prairie. A civilized society makes a road, because a road is a convenience to every traveler, and all of them unite to survey and make it. This is but a sample of many works useful for the public, that is for the individuals who compose it, and therefore undertaken by the public. The individual is always the object in view. His protection in the full enjoyment of all his rights is the great object of all laws, of all institutions. Whenever society attempts to do more than this it oversteps its proper boundaries. So certainly is it a law of our nature, that we should not pass these limits, all history teaches us, that wherever we do pass them, we suffer sooner or later. The meddlesome theory leads to irritation, failure, reaction. Most certainly we promote our own individual happiness best when we mind our own business most.

There are many reasons why public charities should be watched. The temptation to feign distress is so great, the weight of idleness is so heavy, the pretense of helplessness is so common, that when the state interferes it does so for the most part in a manner so imperfect and with such wasteful extravagance that one could almost wish it were not undertaken at all. Yet food, clothing, and shelter must be provided for those who want and cannot by their

own efforts get them. Why we provide them is because a sympathetic nature has been implanted in the human soul. We cannot see a drowning man, but we rush to the rescue ; we cannot look upon a burning building without striving to save the inmates ; the monks of St. Bernard live in regions of ice, that they may help the way-worn and bewildered traveler. While this is our nature and we yield to the impulse, our faculty of reason admonishes us that the necessity is at once the cause and the limit of interference. No man should be helped who can help himself. Self-help is the best lesson for the poor and rich alike to learn. No great character was ever yet found without it, and with it few there are who fall by the wayside.

The administration of justice is of primal necessity in all social organizations. To be equal before the law is the aspiration and the aim of man under governments the most diverse. Some one has said, and I think it was Hume, that all the machinery of the state, all the apparatus of the system and its varied workings, end in simply bringing twelve good men into a box to decide upon their oaths. To be equal, the administration of the law must affect all alike, must be equally within the reach of the poor and the rich, the weak and the powerful, the friendless and the befriended, and equally open to the knowledge of all.

The education of children and the care of those who are destitute are clearly within the scope of equal government ; the reasons for them are not merely economical, they are vital. Self-preservation requires them. By education I mean only such culture of the mind and such an amount of learning as will teach all learners their duties and their rights, and make them capable of holding their own in the world.

The strongest of all the seductive influences which lead men astray from the simplicity of the early faith, and the frugality of the early times, is the tendency to extravagance in public expenditure. In devising the means of levying the largest contributions in order to fill the treasury, and then of emptying the treasury that it may be filled again, the tempter and the tempted vie with each other. Having thus discussed the means by which the rights for which governments are instituted are best secured, let us recur to the condition on which all these means are to be used and these rights secured. What is meant by equality ? Men are not equal in stature or in strength of body or mind, or in genius, or in elevation of

spirit. There has been but one Shakespeare, but one Washington. Equality means equality in rights, in the right to live, the right to be free, the right to pursue one's own happiness, in his own way, without constraint from another, and as a necessary consequence equality in all those agencies of government by which these results are accomplished. The individual stands alone before his maker. He came into the world alone ; he goes into the grave alone. " We brought nothing into this world, and we can carry nothing out." While we are here, we stand each by himself, accountable to God alone for the inner life, and to our fellow men only so far as we infringe their rights, which they have in equal measure with ourselves.

Were there occasion to fortify the lessons of our history and the teaching of the Fathers, by reasoning from man's nature, it would be easy. Self-knowledge and self-control are the hardest of all tasks. " Know thyself " is the precept of ancient sages. If self-knowledge and self-control be so difficult, how much more difficult are the knowledge and control of others. What person is there who should not say to himself, what candid person is there who would not say, I am ignorant and weak, I can see but a step before me ; I thought one thing last year, I think a different thing this year ; I was headstrong yesterday, I am irresolute to-day ; how then can I, so weak myself, be strong enough to control another ? If I cannot wisely govern myself, how dare I attempt to govern my neighbor ?

There is no more fascinating study than to trace to its logical consequences this great doctrine of equal rights. The first of these consequences is religious peace. The belief in equal rights relegates to the domain of conscience that which should never have been admitted within the domain of government, and lifts from the world the dark and heavy cloud which has hung over it like a pall from the beginning of human records. The assumed insight into the unseen world, the dreadful power to bind or to unloose the souls of the departed, the propitiation of good and evil divinities, which the priesthood so long arrogated to itself, when supported by the secular arm filled the world with terror. Whether the rites were celebrated by Druids in British forests or by priests offering human sacrifices in Mexican temples, or by bishops in grand cathedrals, the spirit of domination was the same. It cost ages of cruel strife to implant in the minds of men

the belief that the relation between each of them and his Maker was a personal relation, within whose sacred precincts no other man was privileged to enter. The equality of men was the foundation on which the belief came finally to rest, and that equality being once established the sword fell from the girdle of religion and the robe of peace took its place. It is the reasonable and lofty boast of this, our country, that it has made religious freedom a reality at last, and established in our federal constitution the immutable decree that Congress shall "make no law respecting an establishment of religion or prohibiting the free exercise thereof," and the like in our State constitutions, that of New York containing these memorable words: "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind." Wherever now and in all time to come, the standard of the Republic is planted, there is and ever shall be religious peace. The next consequence of the belief in equal rights is its antagonism to the theory of hereditary government; a theory which has spread itself over the older continents save here and there a few heroic exceptions, as for instance behind the defenses of the Swiss mountains. What could be more absurd than the superstition that wisdom descends from father to son, in endless succession, unless it be that other superstition that the weak son of a born ruler could govern better than the elect of the people. Both these superstitions have gone down, in the New World, at least; for in all the vast domain which the foresight and daring of Columbus revealed to mankind, there stands not an hereditary ruler, outside of the empire of Brazil; a hundred millions who believe in equal rights against twelve millions who do not. I leave out of view the colonies which still remain subject to European thrones. Think of the uproar with which the world has resounded in the struggles of rival chieftains from the first battle on the plains of Asia to the last raid of Don Carlos in the fastnesses of Biscay; of the dungeons that have resounded with the cries of imprisoned patriots; of the fusillades and the scaffolds which have made the world red, of the implacable hatred with which a revolt against a dynasty has been pursued and punished after it has been suppressed; count the assassinations of heirs to thrones, and the cruelties of pretenders to thrones; and then think what the abandonment of hereditary government may do for the world.

Still another logical consequence of the belief in equal rights is the overthrow of privilege. Of all the forms of oppression with which the spirit of evil has afflicted mankind the greatest is privilege. It has stolen slaves from the coasts of Guinea, divided into castes the millions of India, built up the gigantic monopolies which fetter the industry and commerce of the world, and given birth to those swarms of lesser immunities which darken the land, like the cloud of locusts that came up on the east wind from the coasts of Egypt, and ate every herb of the land and all the fruit of the trees. Freedom to labor in any form of handicraft, to till the land, to engage in any calling, to buy or sell, when, where and how he may, is the birthright of every human being, derived from the Almighty, and however some may revile it, victory will come over to its side at last, and the hosts of monopoly great and small will be driven away into outer darkness.

A further consequence of the belief in equal rights is the stop which it must put to the career of conquest. The past history of the world has been a history of invasions, cruel and causeless invasions, one king warring against another king to get away his subjects, with no more regard to the rights or the wishes of the subjects themselves than if they were so many cattle grazing in the pastures, to be sold at the caprice of the owner, or stolen by the first and strongest robber. With the fall of the right of conquest would melt away the armaments by which the old world is trodden under foot, armaments which are never marshaled but to conquer or to resist conquest.

Thus has it been my aim to show in its just proportions the theory of this our American government, to recount the rights which it guarantees, and the means by which the guaranty is to be secured, and to show how there runs through all the idea of equal rights, with its softening and warming influence to smooth the way and lighten the burden of all the children of men.

This is our ideal commonwealth, as we love to see it, in the histories of early times and the constitutions of the States and Union ; a true democracy; not a wild, untamed, disorderly democracy, but a democracy of order and of law. It is not necessary to such a form of government that the people should act in mass, as they may act by delegation in all but their primary assemblies. The principle and the effect are the same. The formula of the Constitution of New York expresses in just terms the theory and

the practice : "The people of the state of New York, represented in Senate and Assembly, do enact as follows." In no other way than by delegation can the collective will manifest itself in a populous state. The people cannot in general assembly enact the laws, or hear evidence and decide upon law or fact, or chase a fugitive, or inflict punishment. They act by their agents and signify their choice by the innumerable leaflets, no bigger than a linnet's wing, which decide the destinies of states. There is a too prevalent notion that in proportion as officials are elected by direct votes of the people in that proportion the government is democratic ; or to express it differently, the more election the more democracy. This is a mistake. The most democratic of the old governments was in Connecticut, and there the freemen elected annually the Governor and the Legislature, and the legislature appointed all the magistrates, judicial and executive, from the judges and sheriffs to the justices of the peace. Before the last revision of its State Constitution the government of Massachusetts was administered by a Governor and Council elected annually by the people, and by a Senate and House of Representatives elected in the same way and for the same term, and the supreme judges and other officials were appointed by the Governor and Council, the judges for life, and the other officials for fixed terms of office. Now many of the executive offices are filled by popular vote. But the State Government is no more democratic than it was before, and no better administered. Connecticut, as I have said, was no less democratic in the old days than it is in these, when the members of the Legislature are elected for two years, and hold biennial sessions, and the judges are appointed by the Legislature for long terms of office. The experience of New York is full of significance. When first adopted the Constitution of the State provided for filling by popular election the offices in charge of the canals and the State-prisons. The Constitution has been amended, and both these branches of administrative service are now filled by the Governor, on the advice of the Senate. If the truth must be told, the filling of so many administrative offices by popular election tends to weaken the hold of the people upon these offices, by distracting the attention of the electors and smuggling into place unknown and incompetent holders.

There are some Americans, I am sorry to say, not very many I hope, but ignorant and noisy, who repudiate the principle on

which the government of their country is founded, scoff at the inalienable rights of man, mistake the abuses for the uses of our institutions, and think and speak of Europe as a fairer land with more benign institutions. These are illegitimate children of the Republic. They labor in vain. The doctrine of equal rights for all the children of the common Father will not be shaken till the earth trembles to its foundations.

Such is the theory of American Government, that ideal of American democracy, which I set about to give. I have confined myself to this ideal. I have not attempted to show wherein or how widely the practice departs from the theory ; how much, if at all, the real lags behind the ideal. I have endeavored to portray this ideal as it yet lingers in tradition and may be traced in the pages of the Fathers ; the ideal of a self-balanced and self-governed state, where every man stands erect in the fullness of his rights, and the pride of his manhood, neither cringing nor overbearing, owing no allegiance but of duty, claiming none but from the heart, fulfilling every service and exercising every right of the citizen. This, I am fain to think, is the true ideal of American government ; a government founded not on the traditions of remote ages, not on usurpation, not on conquest, but on things older and firmer than all—the equality and brotherhood of men.

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